

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MARCH 31, 2005

**SENATE BILL**

**No. 795**

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**Introduced by Senator Romero**

February 22, 2005

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An act to ~~add Section 1779 to amend Section 1753.3 of the Welfare and Institutions Code, relating to the Youth Authority juvenile facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 795, as amended, Romero. ~~Youth Authority: parole. Juvenile facilities: parole violators.~~

*Existing law authorizes the Chief Deputy Secretary Division of Juvenile Justice to enter into an agreement with a city, county, or city and county to permit the transfer of wards in the custody of the division to an appropriate facility of the city, county, or city and county if the official who has jurisdiction over the facility consents.*

*This bill would require the Division of Juvenile Justice to conclude an agreement with one or more counties on or before January 1, 2007, to provide services for technical parole violators, as defined. The bill would require the agreement to contain specified provisions.*

~~Existing law provides for the release on parole of persons from the Department of the Youth Authority.~~

~~This bill would, prior to the release of a ward, require the Youth Authority to provide specified notice to the probation department of the county to which the ward will be released.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1753.3 of the Welfare and Institutions  
2     Code is amended to read:

3     1753.3. (a) ~~The Director of the Youth Authority~~ Chief  
4     Deputy Secretary of the Division of Juvenile Justice may enter  
5     into an agreement with a city, county, or city and county, to  
6     permit transfer of wards in the custody of the ~~Director of the~~  
7     ~~Youth Authority~~ Division of Juvenile Justice to an appropriate  
8     facility of the city, county, or city and county, if the official  
9     having jurisdiction over the facility has consented. The  
10    agreement shall provide for contributions to the city, county, or  
11    city and county toward payment of costs incurred with reference  
12    to the transferred wards *or parole violators*.

13    (b) ~~When an agreement entered into pursuant to subdivision~~  
14    ~~(a) is in effect with respect to a particular local facility, the~~  
15    ~~Director of the Youth Authority may transfer wards and parole~~  
16    ~~violators to the facility~~ On or before January 1, 2007, the  
17    Division of Juvenile Justice shall conclude an agreement with  
18    one or more counties, including a city and county, to provide  
19    services for technical parole violators in a custodial setting or  
20    facility operated by the city, county, or city and county as an  
21    alternative to the recommitment of technical parole violators to  
22    an institution operated by the division. The agreement shall  
23    include all of the following provisions:

24    (1) A definition of the members of the parole violator service  
25    class, by offense characteristics, and by county or region of  
26    residence while on parole, who are eligible for referral to the  
27    local facility in lieu of return to a state institution operated by the  
28    division.

29    (2) A requirement that all technical parole violators in the  
30    defined violator service class be referred to the contract facility  
31    for an initial technical parole violation, in lieu of direct  
32    recommitment to an institution operated by the division, unless  
33    the contract facility is unable to accept the referral or unless  
34    there are extraordinary and documented public safety reasons  
35    which, in the opinion of the Chief Deputy Secretary, necessitate a

1 *direct return of the violator to an institution operated by the*  
2 *division.*

3 *(3) Criteria for the acceptance or rejection of the referral by*  
4 *the director of the local facility, including criteria for returning*  
5 *parolees who fail the local program to an institution operated by*  
6 *the division.*

7 *(4) A description of the parole violator program to be*  
8 *provided by the contract facility, including the basic services to*  
9 *be offered, the proposed length of confinement in the facility, and*  
10 *the linkages to community reentry programs or services that may*  
11 *facilitate successful reentry upon release of the violator from the*  
12 *contract facility.*

13 *(5) Provisions for the coordination of state and local parole*  
14 *and probation personnel in the case management of parolees*  
15 *during their terms of custody in the contract facility.*

16 *(6) Terms of payment or contributions by the division toward*  
17 *the costs incurred by the local facility for the custody and care of*  
18 *technical parole violators.*

19 ~~(c) Notwithstanding subdivision (b), the Director of the Youth~~  
20 ~~Authority may deny placement in a local facility to a parole~~  
21 ~~violator who was committed to the Youth Authority for the~~  
22 ~~commission of any offense set forth in subdivision (b), paragraph~~  
23 ~~(2) of subdivision (d), or subdivision (e) of Section 707. For~~  
24 ~~purposes of this section, a technical parole violator means a~~  
25 ~~parolee of the Division of Juvenile Justice who has been found to~~  
26 ~~have committed a violation of his or her conditions of parole that~~  
27 ~~does not constitute or will not be prosecuted as a new criminal~~  
28 ~~offense.~~

29 ~~(d) Wards transferred to those local facilities under an~~  
30 ~~agreement described in this section are subject to the rules and~~  
31 ~~regulations of the facility in which they are confined, but remain~~  
32 ~~under the legal custody of the Department of the Youth Authority~~  
33 ~~Division of Juvenile Justice.~~

34 ~~SECTION 1. (a) The Legislature finds and declares that the~~  
35 ~~parole population of the Youth Authority has declined~~  
36 ~~significantly in recent years and is projected to decrease from~~  
37 ~~3,800 cases statewide on June 30, 2005, to fewer than 3,500~~  
38 ~~parolees statewide by June 30, 2006. As the parole population~~  
39 ~~has declined, the Youth Authority has found it increasingly~~  
40 ~~difficult to provide optimum supervision and services to parolees~~

1 statewide in a cost-effective manner. Local probation  
2 departments and courts already supervise large numbers of  
3 juvenile offenders and are better positioned to provide local and  
4 community supervision and programs to each ward released from  
5 the Youth Authority.

6 (b) It is the intent of the Legislature to enact legislation that  
7 will do all of the following:

8 (1) Provide for the transfer of Youth Authority parole  
9 supervision and services from state to local governments under  
10 the terms, provisions, and funding mechanisms described herein.

11 (2) Ensure that each ward committed to the Youth Authority  
12 shall, upon release from the Youth Authority, have an individual  
13 reentry plan addressing the ward's needs in relation to  
14 supervision, public safety, housing, education, employment,  
15 health and mental health care and related needs, and ensure that  
16 local juvenile courts and probation departments shall have the  
17 primary responsibility for the implementation of each ward's  
18 reentry plan.

19 (3) Ensure that each ward committed to the Youth Authority  
20 shall be released to parole with sufficient control time remaining,  
21 prior to reaching the maximum confinement or maximum  
22 jurisdictional time in the case, so that the ward's individual  
23 reentry plan can be successfully implemented in the ward's  
24 community of release.

25 SEC. 2. Section 1779 is added to the Welfare and Institutions  
26 Code, to read:

27 1779. Not later than 120 days prior to the parole  
28 consideration date established for each ward, or not later than  
29 120 days prior to any other date as may have been determined by  
30 the Youth Authority Board for the prospective release of the

31 ward, the Youth Authority shall provide written notice to the  
32 probation department of the county to which the ward will be  
33 released, notifying the department of the prospective date of  
34 release.